

)
)
)
)
)
)
)
)
)
)
)
)
)
)

Mag. Judge Jeffrey T. Gilbert

1. On August 31, 2015, Plaintiffs filed their Complaint, Dkt. 1, alleging breach of contract and tortious interference claims against Defendants and seeking

damages of at least \$12,575,596, plus punitive damages. Plaintiffs filed a First Amended Complaint on October 2, 2015, Dkt. 5, and a Second Amended Complaint on March 29, 2016, Dkt. 30, which updated certain facts and provided a current damages calculation of at least \$14,998,134.

2. On December 21, 2015, Plaintiffs served Defendants with the Discovery Requests, which are substantially similar with respect to each Defendant.

3. On February 16, 2016, Defendants served Plaintiffs with their answers to the interrogatories, and on February 19, their responses to the document requests (“Discovery Responses”).

4. On March 15, 2016, Plaintiffs sent Defendants a detailed letter identifying certain deficiencies in the Discovery Responses and requesting a Local Rule 37.2 conference. As detailed in the accompanying Certificate of Compliance with Local Rule 37.2, filed contemporaneously, the parties conferred at length by telephone on March 21, and in subsequent written correspondence.

5. On April 6, 2016, Defendants served amended responses to the Discovery Requests (“Amended Discovery Responses”) and a cover letter responding to Plaintiffs’ March 15 letter and the parties’ March 21 phone conference. Defendants’ Amended Discovery Responses addressed some of the deficiencies Plaintiffs identified in their March 15 letter, but Defendants maintained objections to the production of Wight’s financial information and bank records, and to the production of certain financial documents by AE and AG.

6. As explained in Plaintiffs' accompanying Memorandum in support of this Motion, the Discovery Requests seek information relevant under Rule 26(b), and Defendants' objections in the Amended Discovery Responses are not well-taken.

7. Plaintiffs therefore respectfully request that the Court order Defendants to produce all documents responsive to Request Nos. 21, 23, 24, 25, 26, 29, 30, 32, and 33 of Plaintiffs' First Set of Requests for Production to Wight, and Request Nos. 20, 23, 26, 27, 36, 38 and 39 of Plaintiffs' First Set of Requests for Production to AE and AG, respectively. Wight should also be compelled to respond to Interrogatory No. 1 addressed to him, fully and without objection.

8. Consistent with Rule 37(a)(5), Plaintiffs also respectfully request that the Court award them the fees and costs incurred in bringing this motion, should it be granted.

WHEREFORE, Plaintiffs Sellers Capital, LLC and Sellers Capital Master Fund, Ltd. respectfully request that this Court grant their Motion to Compel Discovery pursuant to Fed. R. Civ. P. 37(a), and award Plaintiffs their reasonable fees and costs incurred in bringing this motion.

Respectfully Submitted,

**SELLERS CAPITAL, LLC, AND
SELLERS CAPITAL MASTER
FUND, LTD.**

Dated: April 12, 2016

By: /s/ Adam N. Hirsch
One of Their Attorneys

Adam N. Hirsch (Ill. No. 6275127)
Andrew E. Cunningham (Ill. No. 6314441)
ROBINSON CURLEY & CLAYTON, P.C.
300 South Wacker Drive, Suite 1700
Chicago, Illinois 60606
(312) 663-3100 – Telephone
(312) 663-0303 – Fax
ahirsch@robinsoncurley.com
acunningham@robinsoncurley.com

CERTIFICATE OF SERVICE

I, Andrew E. Cunningham, an attorney, certify that on April 12, 2016, I caused to be electronically filed with the Clerk of the United States District Court for the Northern District of Illinois, Eastern Division, the foregoing, using the CM/ECF system, which shall send notice of this filing to all counsel of record.

/s/ Andrew E. Cunningham
One of Plaintiffs' Attorneys